

Mr. Mark Lynch
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9/27/85

Dear Mark,

While I was writing an appeal in the Nosenko matter yesterday I came to see that business differently because it now has potential that, to the best of my knowledge and recollection, no other FOIA case has ever had. That is why I phoned yesterday. I sent you the letter I wrote the FBI in the belief that some of the content might at some point be useful to you.

I do not remember if I sent you any of the correspondence earlier or not. If I thought that there might have been useful information, I did. I do recall asking you if you knew a lawyer in Baltimore I might get there and you didn't.

As best a nonlawyer can appraise any FOIA litigation, I think this, with one additional matter that is also bracketed in my appeals, is as close to a no-lose case as can be expected, with counsel fees virtually certain, with an official record that is as determinedly evil as I've ever known, with information of great public interest and the functioning of government central and with some of the information pretty dramatic. The additional matter is the recordings of the Dallas police radio of the time of the JFK assassination. My Nosenko requests, by the way, are not JFK assassination requests. Last December the appeals office blundered into what the FBI had and lied and said it didn't and exactly where I'd indicated they were, only nobody ever looked. With them were related records, neither the recording nor the records ought be subject to any withholding, and to date I've never had a word. I wrote and asked how much a second dub of the recording would be so I could remit and I've had no response to that, either. I want a second recording made ^{from} the so-called original for a friend who would have it subjected to scientific analysis and, if my hunch is correct, that would establish that the FBI has perpetrated a fraud upon the Congress and a panel of National Academy of Science ~~panel~~, to say nothing of the people. There is substantial reason to believe that the recording is not the original, and represented. The FBI can't claim any exemption because its source is nonsecret and known, disclosed by the FBI itself, and because its transcription of the recording was published by the Warren Commission. For these reasons, unless it would want to withhold an FBI name, there is nothing in the records subject to withholding.

The difference now comes from the Nosenko records the FBI itself has disclosed and I've just read. They are not the FBI's records responsive to my request, the first of two, that is, and are likely those responsive to the request of a later requester named "Mooney". (I'm inclined to believe a writer of the right, Mike Mooney.) There is no real explanation of the withholdings of complete documents, and most of those in this one main file are withheld (I've asked for the worksheets and search slips), there is a spurious claim to withhold records dated after 11/16/78, and to a significant degree some of what is withheld is known, public domain, the FBI's own checking of Nosenko's bona fides.

These records state that Nosenko was successful in recruiting American tourists. On its own the CIA, again according to these records, provided no additional information about the recruited Americans, and the FBI never asked for any more information about them, incredible as this may seem. This is true of reporters also. Only Sam Jaffe is mentioned, and that only briefly. As soon as I read these records I phoned George Lardner because as a former reporter I see news value in this. He was not able to return my call until yesterday, when we talked about it for some time. He indicated that he'll be up to look at the file for a story but he did not indicate when. (If you phoned and my line was busy, that is why.)

There is another matter that was not pursued. It has two parts. Nosenko told the CIA and FBI that the KGB suspected that Oswald might have been an American agent in place of a sleeper. He also said that the KGB's investigation in Minsk as soon as it heard Oswald's name as the alleged assassin, disclosed that Oswald was anti-Soviet and that his wife's uncle, who'd raised her, ^{as he} him not to be anti-Soviet when he was back in the U.S. Oswald was, in fact, anti-Communist and anti-Soviet and his favorite book was The Animal Farm. I have copies of his secret writings from the FBI and the Warren Commission published some of them. The records disclose that not even a question was ever asked of anyone about Oswald as a possible sleeper agent, in the sense that tourists and scholars came back and told the CIA what they'd learned, etc. Hoover and McCone provided conclusory denials and they were accepted by the Warren Commission, but there isn't even this in the disclosed file, or anything else at all. Meanwhile, in the 1/27/64 Commission executive session transcript, Dulles told his fellow commissioners that everyone in the CIA would lie and that this lying is right and proper. He also said that only two people in the CIA would know, their records would be hieroglyphics that nobody else could understand, and they'd never say. (I am not saying that Oswald was CIA or, what is rarely if ever mentioned, ONI.)

One of the areas of greatest initial interest to me (and I'm just giving you background in these things because of their possible future potential, not, as, for example, items in a complaint) was the lack of information about Oswald's Marines record. Some are phony and some have disappeared. When his supposed defection was in the papers the Navy cabled the Moscow embassy a summary of his record and said that it disclosed no security clearances but he may have been cleared for confidential. Right after the assassination the FBI examined them, said it reported everything of significance, and makes no reference to any security clearances. In the end the Navy told the Commission that he had a security clearance of confidential after his basic radar training at Jacksonville. It said nothing about his advanced training at Keesler Field, near Mobile, Alabama and aside from his grades there all records have disappeared. It said nothing about his functions other than as a radar operator. But about 12:45 a.m. PST, when I was in an Oakland, Calif. radio station, I got a call from a man who would talk to me only off the air. At 1 I started speaking to him and we spoke for a while. He wanted anonymity, I promised it and I kept my word. I could have identified him from clues he gave me but I wouldn't. He told me that the Oswald with whom he palled around in the Marines was an entirely different guy than I was describing from the Commission's records. All he said about this that I checked out checked 100%, and I did some checking in New Orleans and in little-known Commission records. So, I was then inclined to believe what else he said and that, too, stacks on checking in the Commission and other records. He told me that Oswald was one of only five men in his outfit with a "crypto" clearance, of which I'd never heard then. I was able to establish rapidly that crypto required top secret. My inquiries of the Navy drew blanks, but I was able to confirm from Commission records that he had, along with four others, special duties, responsibilities and knowledge. I decided to try a Navy back door and that opened much. Some nutty Marines tried to get the Commission to believe that Oswald killed a maf'e, one Martin Schrand, who'd taken all his training with Oswald and was in Oswald's outfit. So, I got the court martial inquest into Schrand's death. From that I learned that Oswald worked in the "crypto" van, then at Cubi Point, which happens also to have been a CIA base, and which had been on a carrier. He had also been part of Operation Strongback, which I believe was one of two CIA operations against Sukarno. These records disclose Strongback, but Oswald's Marine records disclose only assignment to Atsugi, an air base used by the CIA, especially for U-2s, and for the special operations, no more than "maneuvers." The actuality thus is, for whatever it may mean, or may not mean, that as a Marine, Oswald had no assignment that was not connected with the CIA. There is

more that is relevant that I omit. None of what I report above is investigated by any agency and is not part of the Warren investigation. But particularly, it is not part of any FBI investigation and, while I do not know that it had the Schrand inquest, that it should have had, I do know that it has all the other records to which I refer, some of which I got from it. I go into this as background and as an indication that the FBI's own records justified, indeed, I think, required, that it follow up on what Nosenko told it and the CIA of the KGB's suspicion that Oswald was an American sleeper agent in the USSR.

Perhaps only coincidence, but very provocative, is the fact that in his addressbook Oswald had the mother of an Air Force officer in our Moscow embassy, Dr (Captain) Alexis Freeman, a doctor and using his function as a doctor as an intelligence cover. Oswald, bear in mind, is this supposed Marxist. Freeman and his family, particularly his mother, a former white Russian and virulently anti-Soviet, have other indications of intelligence connects and anti-Sovietism. Can you imagine that Alexis told Oswald to look his mother up, his story? Well, what the official records do not disclose, and there was no real Freeman investigation, is that Alexis was expelled from the USSR because he was involved in the rather famous and well-publicized Penkovsky case. What the USSR disclosed at the trial is that if he did nothing else, Freeman serviced Penkovsky's drops.

The CIA had a rather large Oswald file, most of which has disappeared. It had a large 201 file, and its representatives testified that they cannot explain the major disappearances from it. If in fact Oswald had had a CIA connection, he had a number and I have that number and it is other than the number planted as a false clue by some people who wanted the feds off their backs. It had been leaked to a reporter who is a friend of mine. That number is consistent with actual CIA numbers it has disclosed but that doesn't mean it is CIA and I'm not ~~suggesting~~ *claiming* that it does. Again, background, depending on where, if anywhere, this thing can go and also suggesting its significance. But I'm not thinking of all of this and I'm not looking for any work, I'm thinking of a simple suit that can have some impact, particularly on efforts to either support or negate the Act and can, I think recover some of the reputation these terrible people have destroyed for me, including before the courts.

There is one new thing I'd like to add and I can't remember the name of the case from which I got the idea so I can't retrieve what I have. The record in this matter now transcends merely failing to do what is required of government people. It represents an absolute refusal, which is what I've just repeated to those at appeals. There was, about five years or so ago, a successful suit in the DC circuit in which there was, as I recall, a recovery based on failure to perform officially assigned duties. I would like to include it, given the record in these matters, both not more recent ~~than~~ than 1978, which is a long time under FOIA, and I've made many efforts in those years.

There is certain to be some embarrassment and thus attributable motive for the FBI in the other Nosenko request. It is for only what the FBI disclosed to another writer who, to then, had been an FBI sycophant. John Mitchell plugged some of his anti-black writing before it was published, on national TV. Edward Jay Epstein got Nosenko records from both the CIA and FBI. I asked the FBI for copies of what it disclosed to him. Angleton turned Epstein around, he reorganized and even retitled his book and evolved an apologia for Angleton and the Angletonians, ~~was~~ *was* after Nosenko, and in the course of this exposed a high FBI informer in the USSR people at the UI, code name Fedora. (Not a single record or reference in these Nosenko records and he did tell the FBI that Nosenko was truthful, as the CIA ultimately also concluded. Obviously, the FBI has the records of its checking of Nosenko's bona fides, and remember, this was not a JFK assassination request, it was for all Nosenko records.)

I hope this background is not confusing and I'm not suggesting using it in the

complaint and don't think it should be. I'm just going into reasons for the records to exist, for hiding them, for lying to me and for the very long stonewalling of more than seven years after the FBI wrote me that it was working on it and, aside from this background, into what can, I think, have good influence on the Act and its friends and become a problem to the enemies of freedom of information. I'm also trying to indicate why I want the withheld records by indicating what I know that should be in them.

10/20/64 There is another oddity and some aspects are strange and some are very suggestive to me. From the very first, someone in the CIA tried hard to see to it that nobody would credit anything he said. Perhaps some of this is coincidence and it can be argued that caution was indicated. (He had been in touch with it in 1962 when he was out of the USSR.) The first reason given was that he was a plant to embarrass the U.S. at the Geneva disarmament conference, to which he was a delegate, by the USSR claiming that the US was interfering with its delegates. On the face of it this is absurd, but I've seen no record with any specific questioning of it. The CIA could have produced both Nosenko and the tapes of its questioning of him and any such effort by the USSR would have backfired on it very hard. And the CIA knew this. When that conference ended without any such USSR trick, the CIA came up with another reason for not trusting him, that he was a disinformation agent sent to confuse our intelligence. It knew that this, too, was absurd. Example: he told it where to find 50 hidden KGB bugs in the USEmbassy building. That is not throw-away info. The FBI indicated suspicions about this by recording that it didn't necessarily believe them. That is a record in those I've just gotten. But when the CIA was called upon to give sworn testimony about its subhuman treatment of Nosenko, it gave only one reason for anyone in the CIA having any doubt about him at all and that reason is neither of these and it is not in any FBI record I've gotten. It switched to a third that also is absurd and untenable, that he was dispatched to hide the KGB's involvement in the assassination and to steer official investigators away from it. The truth is that if the KGB had any such interest, and it didn't, it had no such need because long before Nosenko sought the CIA out in Geneva, on 1/23/64, the FBI itself had leaked the official conclusion that there had been no conspiracy, foreign or domestic, beginning with the leak published 12/1/63 with much more significant leaks published beginning 12/5/63. Moreover, not even a political infant could believe that Khrushchev or the USSR would prefer LBJ to JFK.

I do not know whether you could undertake the simple case I'm suggesting or if you have the time you would want to of if you know anyone else who might but if I cannot get counsel I might decide to do this myself because it will not require much work. Stripped of the background above, it is, I think, simple, except possibly for alleging refusing to perform official duties and ~~with~~ the citation, which I hope you can remember or find without much time, I'd appreciate. But I am convinced that in the simple form this case can do much good and I would like to get the withheld records. I see a valuable byproduct for me and for history, too, whatever might eventuate. It also could lead to a requirement that, for what I think would be the first time, the FBI acknowledge and search its 94 classification files, which are of the Orwellian title, "Research Matters" and were used by the division of Orwellian name, "Crime Records." I know the Digest file number and Epstein's was a Digest book with Digest serialization. (The FBI had the drafts of the two condensations, these records say.) I hope you can find time soon to let me hear about this. I've not made any use of the proffs I have of Oswald's security clearances. If you know a reporter who might be interested, please tell him to phone me. I'd make it available for responsible rather than apologetic handling.

Best wishes,

Harold